



Agenda Date: 12/5/03
Agenda Item: III E

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

OFFICE OF CABLE TELEVISION

IN THE MATTER OF THE ALLEGED FAILURE OF)	ORDER GRANTING
PATRIOT MEDIA AND COMMUNICATIONS CNJ,)	EXTENSION OF TIME
LLC TO COMPLY WITH PROVISIONS OF)	
THE NEW JERSEY CABLE TELEVISION ACT,)	<u>NUNC PRO TUNC</u>
<u>N.J.S.A. 48:5A-1 et seq.</u> , AND/OR THE NEW)	
JERSEY ADMINISTRATIVE CODE,)	BPU DOCKET NO. CO03090706
<u>N.J.A.C. 14:18-1.1 et seq.</u>)	

SERVICE LIST ATTACHED

BY THE BOARD:

The New Jersey Board of Public Utilities (Board) and its Office of Cable Television (OCTV), pursuant to N.J.S.A. 48:5A-1 et seq., have been granted general supervision and regulation of, and jurisdiction and control over, all cable television systems which operate within the State of New Jersey, subject only to the limitations of federal law. Pursuant to this authority, the within matter was opened to the Board upon the filing of a letter in lieu of a more formal petition by Patriot Media and Communications CNJ, LLC (Patriot), seeking approval, nunc pro tunc, for an extension of time in which Patriot must come into compliance with the Board's October 1, 2003 Order.

In the Board's October 1, 2003 Order accepting Patriot's Offer of Settlement, Patriot was required to, within sixty (60) days from the date of issuance of the Order, break out and identify on each customer bill the services for which separate fees are charged under N.J.A.C. 14:18-3.7(a)2, other separate fees as required by N.J.A.C. 14:18-3.7(a)8, and the appropriate contact information for the Patriot customer service department, as set forth in N.J.A.C. 14:18-3.7(a)1. These changes require Patriot to modify its computerized billing format, and it was the process of modifying the computer billing system to achieve compliance with the Board's Order and with the regulations governing cable television operators in the State that revealed the underlying basis for this request.

Upon review of the records necessary to update the billing functions, Patriot discovered approximately 2,300 customer accounts that were being billed at an incorrect rate. In each case, it appears that RCN Telecom Services, the previous owner of the Patriot systems, failed to apply rate increases to the customer accounts, thereby undercharging these 2,300 customers. In order to bring the billing system into compliance with the Board Order, however, Patriot claims that these customers must have their rates increased to the uniform regulated rate. Patriot further claims that the computerized billing system makes it impossible to change the information presented on each bill without increasing the rate for these 2,300 customers. As such, Patriot

claims that there are only two options: 1) make the required changes and implement the rate increase without additional notice to the 2,300 customers;¹ or 2) seek an extension for the implementation of the changes to the billing system.

Following discussions with the OCTV Staff, Patriot has requested the opportunity to provide a second notice to these customers, once again providing thirty (30) days' notice prior to the institution of the rate increase. Because this notice will require that the changes to the billing process be put off for thirty (30) days, Patriot has requested this extension.²

Based upon the foregoing, the Board HEREBY FINDS that Patriot's request to provide thirty (30) days' advance notice of the rate increase to the approximately 2,300 customers affected by this billing system change provides sufficient basis to justify extending the deadline set by the Board in the October 1, 2003 Board Order. Accordingly, the Board HEREBY ORDERS that the deadline set for the requirements set forth in the October 1, 2003 Board Order relating to changes in the billing process shall be extended for a period of not more than thirty (30) days. The Board FURTHER ORDERS that all other aspects of the October 1, 2003 Board Order are to remain unchanged and in effect.

DATED: December 10, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

¹ Patriot indicates that these customers received notice of the rate increases at the time there were designed to be implemented, but Patriot raises the concern that, when the rate did not increase on the monthly bill, these customers likely determined that the rate increases did not, for whatever reason, apply. Thus, while the customers have received notice of the increases, the notice could well be considered "stale."

² Patriot states that it brought this issue to the OCTV within a few days of discovery, but because this date was after the date necessary to place this on the Board's agenda prior to the expiration of the deadline in the October 1, 2003 Board Order, the granting of this extension must be done nunc pro tunc.

**IN THE MATTER OF THE ALLEGED FAILURE OF PATRIOT MEDIA AND
COMMUNICATIONS CNJ, LLC TO COMPLY WITH PROVISIONS OF THE NEW JERSEY
CABLE TELEVISION ACT, N.J.S.A. 48:5A-1 et seq., AND/OR THE NEW JERSEY
ADMINISTRATIVE CODE, N.J.A.C. 14:18-1.1 et seq.**

BPU DOCKET NO. CO03090706

SERVICE LIST

Richard P. De Angelis, Esq.
Stryker, Tams & Dill, LLP
Two Penn Plaza East
Newark, New Jersey 07105

James Holanda, President & General Mgr.
Patriot Media & Communications CNJ, LLC
100 Randolph Road, First Floor
Somerset, New Jersey 08873

Celeste M. Fasone, Director
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

William Furlong
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

Kenneth J. Sheehan, Esq.
Deputy Attorney General
Division of Law
State of New Jersey
124 Halsey Street
Newark, NJ 07102